

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

Defense Distributed,  
Second Amendment Foundation, Inc.,  
Firearms Policy Coalition, Inc.,  
Firearms Policy Foundation,  
The Calguns Foundation,  
California Association of Federal  
Firearms Licensees, Inc., and  
Brandon Combs,

*Plaintiffs,*

v.

Gurbir Grewal, Attorney General of the  
State of New Jersey,

*Defendant.*

No. 3:19-CV-04753-aet-tjb

**Amended Declaration of Brandon Combs**

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**AMENDED DECLARATION OF BRANDON COMBS**

I, Brandon Combs, declare as follows:

1. I am the founder and president of institutional plaintiff Firearms Policy Coalition, Inc. (FPC), founder and president of institutional plaintiff Firearms Policy Foundation (FPF), the secretary and executive director of institutional plaintiff The Calguns Foundation (CGF), the founder and executive vice president of institutional plaintiff California Association of Federal Firearms Licensees, Inc. (CAL-FFL), and the creator and developer of CodeIsFreeSpeech.com. I am a Life member in good standing of Second Amendment Foundation and a current member in good standing of Defense Distributed "LEGIO," Defense Distributed's "political and technical fraternity." I reside outside of the State of New Jersey.
2. The CodeIsFreeSpeech (CIFS) project, located online at CodeIsFreeSpeech.com, is a project of Firearms Policy Coalition, Inc., Firearms Policy Foundation, The Calguns Foundation, California Association of Federal Firearms Licensees, Inc., and individuals, including me, who are passionate about the Constitution and individual liberties, including the freedom of speech.
3. CodeIsFreeSpeech.com is a publicly-available Web site for the publication and re-publication of truthful, non-misleading, non-commercial political speech and information that is protected under the United States Constitution. The purpose of the CIFS project is to allow people to share knowledge and empower them to exercise their fundamental, individual rights. CIFS contains, among other things, links to digital instructions in the form of computer-aided design files or other code or instructions stored and displayed in electronic format as a digital model that may be used to program a three-dimensional printer to manufacture or produce a firearm, firearm receiver, magazine, or firearm component.
4. Firearms Policy Coalition, Inc. (FPC) is a 501(c)4 non-profit membership organization incorporated under the laws of Delaware with its principal place of business in Sacramento, California, with members and supporters throughout the country. FPC's primary mission is to protect and defend the Constitution of the United States and the People's rights, privileges, and immunities deeply rooted in this Nation's history and tradition through all lawful activities and programs, with a focus on the fundamental, individual right to keep and bear arms and freedom of speech. FPC has participated in and funded First Amendment direct advocacy (lobbying), grassroots advocacy, education, litigation, and other activities to defend and advance the freedom of speech. FPC is a partner (with FPF) in K12speech.com, a website

and initiative to help students and parents understand and lawfully exercise their rights, among other things.

5. Firearms Policy Foundation (FPF) is a 501(c)3 non-profit membership organization incorporated under the laws of Delaware with its principal place of business in Sacramento, California, with members and supporters throughout the country. FPF's primary mission is to protect and defend the Constitution of the United States and the People's rights, privileges, and immunities deeply rooted in this Nation's history and tradition through all lawful charitable activities and programs, with a focus on the fundamental, individual right to keep and bear arms and freedom of speech. FPF has participated in and funded First Amendment advocacy, education, litigation, and other activities to defend and advance the freedom of speech. FPF is a partner (with FPC) in K12speech.com, a website and initiative to help students and parents understand and lawfully exercise their rights, among other things.
6. The Calguns Foundation (CGF) is a 501(c)3 non-profit membership organization incorporated under the laws of California with its principal place of business in Sacramento, California. CGF is dedicated to promoting education about California and federal firearm laws and protecting the civil rights of California gun owners. CGF has participated in and funded First Amendment education, litigation, and other charitable activities to defend and advance the freedom of speech.
7. California Association of Federal Firearms Licensees, Inc. (CAL-FFL) is a 501(c)6 non-profit membership organization incorporated under the laws of California with its principal place of business in Sacramento, California. CAL-FFL members include firearm dealers, training professionals, shooting ranges, collectors, gun owners, and others who participate in the firearms ecosystem. CAL-FFL's mission is to defend and advance the interests of its members and the firearms ecosystem without compromising individual or economic rights. CAL-FFL has supported Second Amendment and First Amendment direct advocacy, grassroots advocacy, education, litigation, and other activities to defend and advance constitutional rights and a free market.
8. I began creating and developing CIFS during the week of July 22, 2018. CIFS was launched and made public on the Internet on July 31, 2018. At the time of its launch, CIFS used the Internet technology services of Professional Edge LLC (PELLC). The owner of PELLC represented to me that their Web hosting services utilized a software management layer that directed the use of Amazon AWS products, including Web servers.

9. On or about 4:04 p.m. August 1, 2018, CIFS was subject to a “takedown” from Amazon AWS under Abuse Case Number 17329175247-1. PELLC forwarded to me a copy of the takedown demand sent by Amazon AWS from Amazon EC2 Abuse (ec2-abuse@amazon.com). Referring to the URL [http://codeisfreespeech.com/code\\_files/liberator\\_complete.zip](http://codeisfreespeech.com/code_files/liberator_complete.zip), the takedown stated:

\* Comments:

<<<

“Liberator (Download)- The Liberator is a physibile [sic], 3D-printable single shot handgun, the first such printable firearm design made widely available online, designed by Defense Distributed”

In order to comply with the temporary restraining order, the reported content must be taken down immediately.

Exhibit A is a true and correct copy of this message.

10. The temporary restraining order referred to in the Amazon AWS takedown demand did not restrain or otherwise enjoin or apply to CIFS, FPC, FPF, CGF, CAL-FFL, or me.
11. In response to the takedown demand and the fact that Amazon AWS could not be trusted to defend its customers and their important content against baseless attacks, CIFS ceased using Amazon AWS services and was migrated to other Web service providers that day.
12. PELLC represented to me that, through their conversations with Amazon AWS in response to the takedown demand, they were led to believe that a government actor may have sent Amazon AWS the takedown demand. According to PELLC, Amazon AWS would not disclose to them any information about the takedown demand sender.
13. After the migration was complete, on or about August 2, 2018, CodeIsFreeSpeech.com began to utilize Cloudflare services.
14. On or about August 4, 2018, Facebook banned the CodeIsFreeSpeech.com URL and “de-platformed” content about CIFS that contained the domain name. Facebook and Instagram began to actively block comments, posts, or even private messages containing the CodeIsFreeSpeech.com URL.
15. At approximately 12:50 p.m. Pacific Time on February 2, 2019, a takedown demand that was apparently sent by the New Jersey Office of the Attorney

General to Cloudflare was forwarded to me through an email originating from "Cloudflare Abuse". The takedown demand stated:

This is a notice to Cloudflare that you are serving files consisting of 3D printable firearms in violation of NJ Stat. Ann. § 2C:39-9 3(l)(2). These files are accessible via Cloudflare's New Jersey datacenter. You shall delete all files described within 24 hours or we will be forced to press charges in order to preserve the safety of the citizens of New Jersey.

Exhibit B is a true and correct copy of this message.

16. The "Reported URLs" in the takedown demand were as follows:
  - [https://codeisfreespeech.com/code\\_files/liberator\\_complete.zip](https://codeisfreespeech.com/code_files/liberator_complete.zip)
  - [https://codeisfreespeech.com/code\\_files/ar15\\_lower\\_machining/instructions.pdf](https://codeisfreespeech.com/code_files/ar15_lower_machining/instructions.pdf)
  - [https://codeisfreespeech.com/code\\_files/ar15\\_80\\_percent\\_lower.zip](https://codeisfreespeech.com/code_files/ar15_80_percent_lower.zip)
  - [https://codeisfreespeech.com/code\\_files/ar15\\_complete.zip](https://codeisfreespeech.com/code_files/ar15_complete.zip)
  - [https://codeisfreespeech.com/code\\_files/ar10\\_complete.zip](https://codeisfreespeech.com/code_files/ar10_complete.zip)
  - [https://codeisfreespeech.com/code\\_files/ruger\\_10-22\\_complete.zip](https://codeisfreespeech.com/code_files/ruger_10-22_complete.zip)
  - [https://codeisfreespeech.com/code\\_files/1911\\_complete.zip](https://codeisfreespeech.com/code_files/1911_complete.zip)
  - [https://codeisfreespeech.com/code\\_files/vz58\\_complete.zip](https://codeisfreespeech.com/code_files/vz58_complete.zip)
  - [https://codeisfreespeech.com/code\\_files/beretta\\_92fs\\_complete.zip](https://codeisfreespeech.com/code_files/beretta_92fs_complete.zip)
  - <https://codeisfreespeech.com/checksum.txt>
  - <https://codeisfreespeech.com/gun.png>
  - <https://codeisfreespeech.com/>
17. In an effort to comply with the takedown demand, I engaged the services of a network engineer at my expense. Exhibit C is a true and correct copy of an invoice received for these services.
18. At approximately 1:12 p.m. Pacific Time that same day, access to files at CodeIsFreeSpeech.com were restricted, thus making them inaccessible to anyone who browsed to or otherwise attempted to access them. The Web site itself continued to be accessible. Exhibit D is a true and correct copy of what the website now shows visitors.
19. I have reviewed the letter sent by counsel for the Plaintiffs in this case to counsel for the Defendant, Attorney General Gurbir Grewal, on February 14, 2019, as well as the response that Jeremy Feigenbaum e-mailed to counsel for the Plaintiffs on February 19, 2019.

20. I believe that the content of CodeIsFreeSpeech.com – including the suppressed digital instructions in the form of computer-aided design files or other code or instructions stored and displayed in electronic format as a digital model that may be used to program a three-dimensional printer to manufacture or produce a firearm, firearm receiver, magazine, or firearm component – is protected by the United States Constitution.
21. But for the challenged statutes and Attorney General Gurbir Grewal's policies, practices, laws, customs, and threats of both civil and criminal prosecution, CIFS and all of its contents and files would be republished online and accessible to people as they were from July 31, 2018 to February 2, 2019, including to persons in the State of New Jersey.

I declare under penalty of perjury that the foregoing is true and correct.

Date: February 20, 2019.

A handwritten signature in black ink, appearing to read 'Brandon Combs', written over a horizontal line.

Brandon Combs

# Exhibit A

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**Fwd: Re: Your Amazon EC2 Abuse Report [17329175247] [AWS ID 759167349927]**

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Michael @ Professional Edge LLC <m3@professionaledgellc.com>

Wed, Aug 1, 2018 at 4:19 PM

Reply-To: m3@professionaledgellc.com

To: Brandon Combs

----- Forwarded Message -----

**Subject:** Re: Your Amazon EC2 Abuse Report [17329175247] [AWS ID 759167349927]

**Date:** Wed, 1 Aug 2018 16:14:35 -0700

**From:** Michael @ Professional Edge LLC <m3@professionaledgellc.com>

**Reply-To:** m3@professionaledgellc.com

**To:** Amazon EC2 Abuse <ec2-abuse@amazon.com>

**CC:** Michael @ Professional Edge LLC <m3@professionaledgellc.com>

Please provide a copy of the legal restraining order, or call me at my contact info below.

--

Michael Miyabara-McCaskey  
Professional Edge / GeoVario Hosting

[www.professionaledgellc.com](http://www.professionaledgellc.com)

p. 800-208-5510 ext 646

f. 408-520-3293

Amazon EC2 Abuse wrote on 8/1/2018 4:04 PM:



[URGENT! IMMEDIATE ACTION REQUIRED OR AWS WILL TAKE ACTION AGAINST YOUR INSTANCES TO PREVENT ACCESS TO THE REPORTED CONTENT IN ORDER TO COMPLY WITH THE RECEIVED TEMPORARY RESTRAINING ORDER (TRO)]

Hello,

We've received a notice regarding unwanted content hosted on your AWS resources. A copy of the complaint identifying the content in question is included below.

Please review the attached notice and take appropriate action.

Regards,  
AWS Abuse

Abuse Case Number: 17329175247-1

---Beginning of forwarded report---

\* Log Extract:

<<<

[http://codeisfreespeech.com/code\\_files/liberator\\_complete.zip](http://codeisfreespeech.com/code_files/liberator_complete.zip)

>>>

\* Comments:

<<<

"Liberator (Download)- The Liberator is a physibler [sic], 3D-printable single shot handgun, the first such printable firearm design made widely available online, designed by Defense Distributed"

In order to comply with the temporary restraining order, the reported content must be taken down immediately.

>>>

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**How can I contact a member of the Amazon EC2 abuse team or abuse reporter?**

Reply this email with the original subject line.

**Amazon Web Services**

Amazon Web Services LLC is a subsidiary of Amazon.com, Inc. Amazon.com is a registered trademark of Amazon.com, Inc. This message produced and distributed by Amazon Web Services, LLC, 410 Terry Avenue North, Seattle, WA 98109-5210.

# Exhibit B

On 2019-02-02 12:25:03-08:00 Cloudflare wrote:

Cloudflare received an abuse report regarding:  
[codeisfreespeech.com](https://codeisfreespeech.com)

Please be aware Cloudflare is a network provider offering a reverse proxy, pass-through security service. We are not a hosting provider. Cloudflare does not control the content of our customers.

The actual host for [codeisfreespeech.com](https://codeisfreespeech.com) are the following IP addresses. 208.82.143.90. Using the following command, you can confirm the site in question is hosted at that IP address: curl -v -H "Host: [codeisfreespeech.com](https://codeisfreespeech.com)" [208.82.143.90/](https://208.82.143.90/)

Below is the report we received:

Reporter's Name: New Jersey Office of the Attorney General  
Reporter's Email Address: [dcitipline@njdcj.org](mailto:dcitipline@njdcj.org)  
Reporter's Telephone Number: 609-984-6500

Reported URLs:

[https://codeisfreespeech.com/code\\_files/liberator\\_complete.zip](https://codeisfreespeech.com/code_files/liberator_complete.zip)  
[https://codeisfreespeech.com/code\\_files/ar15\\_lower\\_machining/instructions.pdf](https://codeisfreespeech.com/code_files/ar15_lower_machining/instructions.pdf)  
[https://codeisfreespeech.com/code\\_files/ar15\\_80\\_percent\\_lower.zip](https://codeisfreespeech.com/code_files/ar15_80_percent_lower.zip)  
[https://codeisfreespeech.com/code\\_files/ar15\\_complete.zip](https://codeisfreespeech.com/code_files/ar15_complete.zip)  
[https://codeisfreespeech.com/code\\_files/ar10\\_complete.zip](https://codeisfreespeech.com/code_files/ar10_complete.zip)  
[https://codeisfreespeech.com/code\\_files/ruger\\_10-22\\_complete.zip](https://codeisfreespeech.com/code_files/ruger_10-22_complete.zip)  
[https://codeisfreespeech.com/code\\_files/1911\\_complete.zip](https://codeisfreespeech.com/code_files/1911_complete.zip)  
[https://codeisfreespeech.com/code\\_files/vz58\\_complete.zip](https://codeisfreespeech.com/code_files/vz58_complete.zip)  
[https://codeisfreespeech.com/code\\_files/beretta\\_92fs\\_complete.zip](https://codeisfreespeech.com/code_files/beretta_92fs_complete.zip)  
<https://codeisfreespeech.com/checksum.txt>  
<https://codeisfreespeech.com/gun.png>  
<https://codeisfreespeech.com/>

Reported Destination IPs:

{104.27.176.6,104.27.177.6,2606:4700:30::681b:b106,2606:4700:30::681b:b006}

Reported Destination Ports: {443/TCP}

Logs or Evidence of Abuse: This is a notice to Cloudflare that you are serving files consisting of 3D printable firearms in violation of NJ Stat. Ann. § 2C:39-9 3(l)(2). These files are accessible via Cloudflare's New Jersey datacenter. You shall delete all files described within 24 hours or we will be forced to press charges in order to preserve the safety of the citizens of New Jersey.

Please address this issue with your customer.

Regards,

Cloudflare Abuse

# Exhibit C

# INVOICE

Gryman Solutions

**Paid**

[REDACTED]  
[REDACTED]  
[REDACTED]@[REDACTED].com

Invoice #: 0002  
Invoice Date: Feb 2, 2019  
Due date: Mar 4, 2019

Amount due:  
**\$0.00**

Bill To:

[REDACTED]@[REDACTED].com

Description	Hours	Rate	Amount
Website Migration Migrate web data, DNS, SSL certificates to new host.	1	\$100.00	\$100.00
Subtotal			\$100.00
Total			\$100.00

# Exhibit D

# CodeIsFreeSpeech.com

## **Firearm-Related Speech, Machining Instructions, Codes Published by Civil Rights Organizations, Activists at New CodeIsFreeSpeech.com Website**

[Back to CodeIsFreeSpeech.com](http://CodeIsFreeSpeech.com)

SACRAMENTO, CA (July 31, 2018) — Tonight, the organizations and individuals behind [CodeIsFreeSpeech.com](http://CodeIsFreeSpeech.com), a new Web site for the publication and sharing of firearm-related speech, including machine code, have issued the following statement:

Our Constitution's First Amendment secures the right of all people to engage in truthful speech, including by sharing information contained in books, paintings, and files. Indeed, freedom of speech is a bedrock principle of our United States and a cornerstone of our democratic Republic. Through [CodeIsFreeSpeech.com](http://CodeIsFreeSpeech.com), we intend to encourage people to consider new and different aspects of our nation's marketplace of ideas – even if some

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government officials disagree with our views or dislike our content – because information is code, code is free speech, and free speech is freedom.

Should any tyrants wish to chill or infringe the rights of the People, we would welcome the opportunity to defend freedom whenever, wherever, and however necessary. Hand-waving and hyperbole are not compelling government interests and censorship is not proper tailoring under the law.

There is no doubt that Cody Wilson and Defense Distributed have inspired countless Americans to exercise their fundamental, individual rights, including through home gunsmithing. Through [CodeIsFreeSpeech.com](https://codeisfree.com), we hope to promote the collection and dissemination of truthful, non-misleading speech, new and evolving ideas, and the advancement of the Second Amendment right to keep and bear arms.

[CodeIsFreeSpeech.com](https://codeisfree.com) is a publicly-available Web site for truthful, non-misleading speech and information that is protected under the United States Constitution. The purpose of this project is to allow people to share knowledge and empower them to exercise their fundamental, individual rights. CodeIsFreeSpeech.com is a project of Firearms Policy Coalition, Firearms Policy

Association of Federal Firearms Licensees, and a number of individuals who are passionate about the Constitution and individual liberties.

**Firearms Policy Coalition** ([www.firearmspolicy.org](http://www.firearmspolicy.org)) is a 501(c)4 grassroots nonprofit organization. FPC's mission is to defend the Constitution of the United States, especially the fundamental, individual Second Amendment right to keep and bear arms, through advocacy, legal action, education, and outreach.

## **Firearms Policy**

**Foundation** ([www.firearmsfoundation.org](http://www.firearmsfoundation.org)) is a 501(c)3 grassroots nonprofit organization. FPF's mission is to defend the Constitution of the United States and the People's rights, privileges and immunities deeply rooted in this Nation's history and tradition, especially the inalienable, fundamental, and individual right to keep and bear arms.

**The Calguns Foundation** ([www.calgunsfoundation.org](http://www.calgunsfoundation.org)) is a 501(c)3 non-profit organization that serves its members, supporters, and the public through educational, cultural, and judicial efforts to advance Second Amendment and related civil rights.

**California Association of Federal Firearms Licensees** ([www.calffl.org](http://www.calffl.org)) is a 501(c)6 nonprofit organization serving its members and the public through direct and grassroots issue advocacy, regulatory input, legal efforts, and education. CAL-FFL's membership includes firearm dealers, training professionals, shooting ranges, licensed collectors, others who participate in the firearms ecosystem.

###

**MEDIA CONTACT: [Craig DeLuz](#) / P: [\(916\) 378-5785](tel:(916)378-5785)**